

PUBLIC NOTICE



US ARMY CORPS
OF ENGINEERS

APPLICANT: COSTELLO
INVESTMENTS, LLC
APPLICATION NO: 200430202
WATERWAY: UNNAMED TRIBUTARY
TO NINEMILE CREEK

OMAHA DISTRICT

ISSUE DATE: JULY 19, 2004
EXPIRATION DATE: AUGUST 9, 2004

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501

21-DAY NOTICE

JOINT NOTICE OF PERMIT PENDING

US ARMY CORPS OF ENGINEERS
AND
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The application of Costello Investments, LLC, Sioux Falls, South Dakota, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to perform site grading activities in an unnamed tributary to Ninemile Creek (waters of the US) in association with the continuation of the construction of the Green Meadows Addition to the City of Harrisburg, South Dakota, located in the Northeast Quarter of Section 2, Township 99 North, Range 50 West, latitude 43-25-28.6987, longitude 96-42-37.1252, Lincoln County, South Dakota.

Unauthorized fill activity in waters of the US was performed during early phases of the project construction in 2002. The matter was referred to the US Environmental Protection Agency (EPA) in accordance with established regulatory enforcement procedures. The EPA entered into initial investigation of the apparent violation of Section 404 of the Clean Water Act in August of 2002 and subsequent enforcement action resulted in resolution of the matter through an Administrative Compliance Order on Consent (Consent Order) issued in May of 2004. The EPA action required the development of a compensatory wetland mitigation plan for replacement of the impacted waters of the US associated with the work activity. A detailed copy of the wetland mitigation plan can be obtained at the South Dakota Regulatory Office address provided in this public notice. The applicant is proposing to extend the mitigation project for flood control purposes and to provide associated compensatory mitigation for adverse impacts to waters of the US that will be caused by the proposed future work.

The proposed (future) project and existing completed work activity subject to the EPA Consent Order are shown and described in the attached plans/drawings, Sheets 1 through 5 of 5. No fill activities are anticipated in the segment of tributary identified as "Area A". The creek channel will be enlarged by excavating with backhoe machinery slightly above and in some areas (where no bank exists) level with the stream bed and pulling the material back/away from the channel to preserve the existing channel flow line. The excavated material will be loaded in trucks and salvaged/stockpiled in an upland site for later use. In the location identified as "Area B", 0.51 acre of the upper segment of a branch of the tributary (linear wetland) will be filled with earth fill material and a new/adjacent drainage channel constructed, extending the lower portion of the channel that has been constructed. Best Management Practices (BMPs) will be used to control erosion during construction.

The purpose of the project is to align and maintain drainage channels in the proposed residential subdivision in a manner that makes efficient use of the property and reduces the flood plain.

The applicant considered alternatives to the above described preferred project alternative, such as installing flood levees and reducing or eliminating construction in areas of the waterway. However, due to the flat gradient/slope of the site and existing and planned infrastructure installations, these alternatives offered no significantly less environmentally damaging alternatives. The alternative of not constructing the project (no action) was considered unacceptable due to the existing and proposed future development of the site that would be impacted by the current predicted 100-year flood plain level reaching 300 feet wide.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:51:01).

Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and "its current supplements," and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area or check for unknown historic properties, if warranted.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before August 9, 2004. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this

permit application. All replies to the public notice should be addressed to the address listed in the previous paragraph. Thomas A Lowin, telephone number (605) 224-8531, may be contacted for additional information.

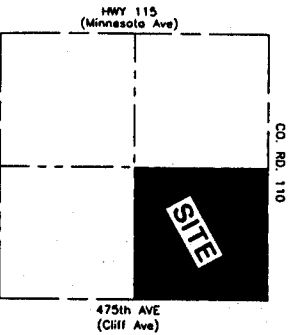
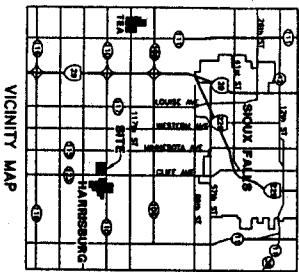
Comments received after the close of the business day on the expiration date of this public notice will not be considered.

This project, if authorized, will be under the provisions of Section 404 of the Clean Water Act.

Drawings showing the location and extent of the work are attached to this notice.

GREEN MEADOWS ADDITION

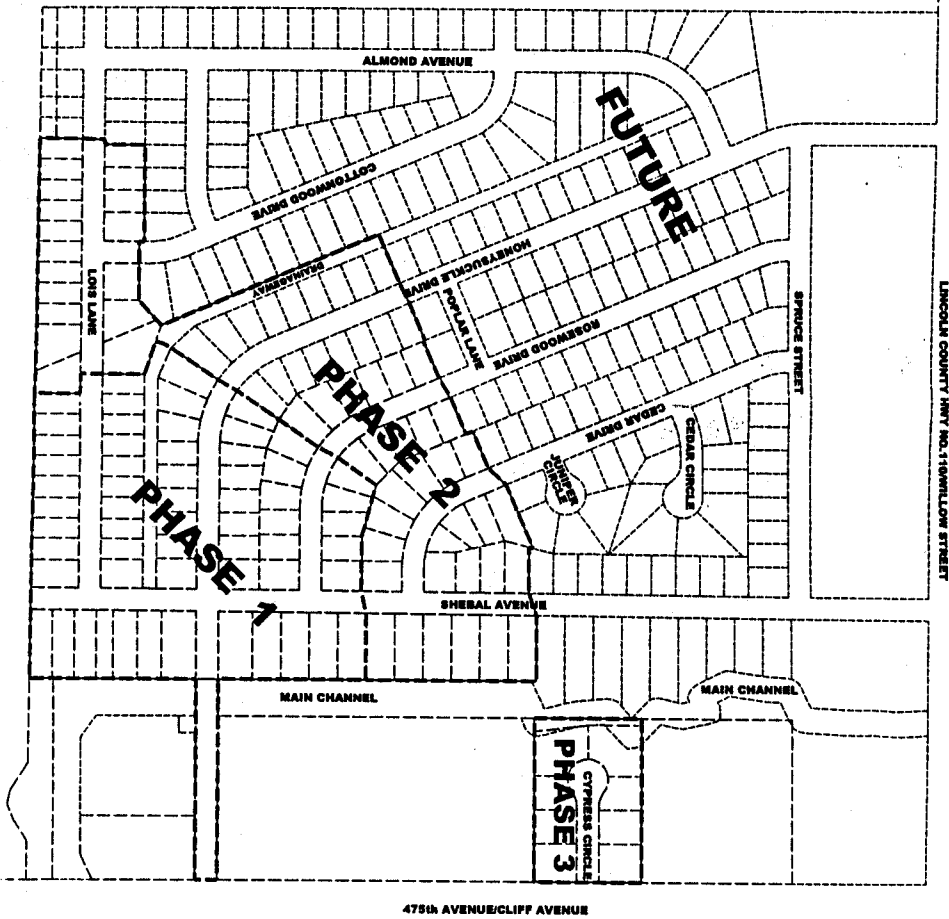
TO THE CITY OF
HARRISBURG, SOUTH DAKOTA



PROPERTY DESCRIPTION
OVERLAP LOTS 1 & 2 OF THE NORTHEAST QUARTER
E1/4, EXCEPT LOT H-1 THEREOF, OF SECTION 2, TOWNSHIP
2 NORTH, RANGE 50 WEST OF THE 5th P.M., LINCOLN COUNTY
SOUTH DAKOTA

"I, BEFORE YOU DE, I"
CALL SOUTH DAKOTA ONE CALL
1-800-781-7474

PURPOSE: subdivision
APPLICATION BY:
Costello Investments, LLC
No. 200430202



INDEX

Sheet No.	Sheet Title
1	TITLE SHEET
2	HISTORIC WETLANDS
3	WETLAND SUMMARY
4	TYPICAL SECTIONS

SEED SPECIES	WETLAND GRASS MIX
Prairie Cordgrass	RALE
Whitegrass	According to Supplier
Redtop	

SEED SPECIES	WETLAND GRASS MIX
Intermediate Whitegrass	RALE
Smooth Bromegrass	8.07 b/acre

OWNER & DEVELOPER:
COSTELLO INVESTMENTS, LLC
320 North Main Avenue
Sioux Falls, SD 57104
(605) 336-9131

ENGINEER & SURVEYOR:
SCHMITZ, KALDA & ASSOC., INC.
320 N. Main Ave.
Sioux Falls, SD 57104
(605) 332-8241

Schmitz, Kalda & Associates

IN unnamed tributary/wetland
AT Sec. 2/T99N/R50W
COUNTY Lincoln
DATE 7/19/04
SHEET 1 of 5

dynitzy, Kalba & Associates
 3201 N. Union Ave. Suite A • Sioux Falls, SD 57104
 Tel: (605) 332-0211 • Fax: (605) 332-0118

REVISIONS	BY	DATE	DESCRIPTION

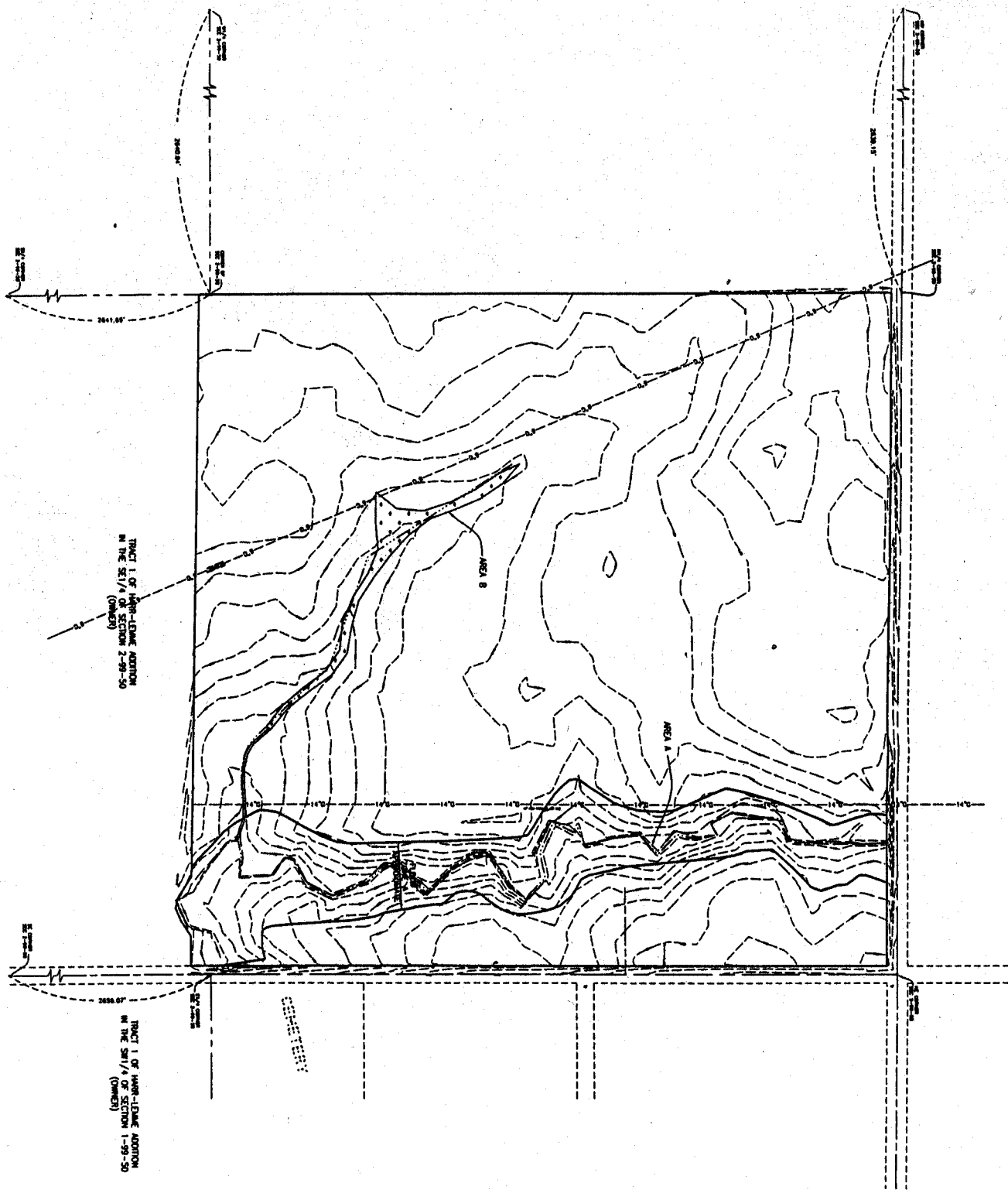
GREEN MEADOWS ADDITION
HARRISBURG, SOUTH DAKOTA

HISTORIC WETLANDS

DATE: 1/29/07

PURPOSE: subdivision
APPLICATION BY:
 Costello Investments, LLC
 No. 200430202

IN unnamed tributary/wetland
AT Sec. 2/T99N/R50W
COUNTY Lincoln
DATE 7/19/04
SHEET 2 of 5



FLOOD ZONE A IS PLOTTED APPROXIMATELY BASED
 ON FLOOD INSURANCE RATE MAP COMMUNITY-PANEL
 NO. 460277-0003 B EFFECTIVE OCTOBER 1, 1986

PRE-CONSTRUCTION SUMMARY
AREA A
 LENGTH = 4097 ft
 AREA = 0.75 acre
AREA B
 LENGTH = 1942 ft
 AREA = 1.57 acres
 TOTAL LENGTH = 6039 ft
 TOTAL AREA = 2.3 acres

MATCH LINE
(See Sheet 4)

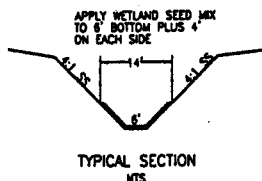
Area B

Area B has been determined to be a linear wetland classified as a Palustrine, Emergent Seasonally Flooded wetland. A portion of this wetland was relocated to a design channel in 2002 and mitigated under the EPA Consent Order. The remaining portion will be relocated to the proposed channel in two phases. The first phase will construct approximately 820 feet and the second phase will construct approximately 900 feet. The designed channel allows for more efficient development of the property and for a controlled flow of the major storms.

The designed channel has a 6 feet wide flat bottom and side slopes of 1 foot vertical to every 4 feet of horizontal run. See Typical Section. To coincide with an existing gas pipeline and to make efficient use of the entire property, the designed channel is proposed to have a straight alignment. The 6 foot channel bottom plus 4 additional feet on each side shall be planted in a wetland grass seed mix. The remaining side slopes and adjacent disturbed area shall be seeded with an upland seed mix for stabilization.

All topsoil and vegetative material removed from the existing wetland areas shall be utilized in the proposed channel construction.

The contributory watershed to Area B is approximately 460 acres. With the regional average annual precipitation of 24 inches, a sufficient amount of runoff moisture can be expected to establish a wetland environment.



AREA SUBJECT TO THIS APPLICATION

UNDISTURBED AREA
REALIGNMENT PROPOSED

Existing Length = 750 ft
Existing Area = 1.06 acres

Proposed Length = 820/900 = 1720 ft
Proposed Area = 0.26/0.29 = 0.55 acres

Net Loss Area = 0.51 acres

AREA SUBJECT TO CONSENT ORDER

PREVIOUSLY MITIGATED AREA

Mitigated Length = 1190 ft
Mitigated Area = 0.51 acres

Resultant Length = 900 ft
Resultant Area = 0.29 acres

Net Loss Area = 0.22 acres

ULTIMATE AREA B
LENGTH = 2620 ft
AREA = 0.84 acres

Schmitz, Kalda & Associates

320 N. Main Ave, Suite A • Sioux Falls, SD 57104
Tel (605) 332-8241 • Fax (605) 332-0118

REVISIONS

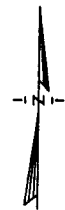
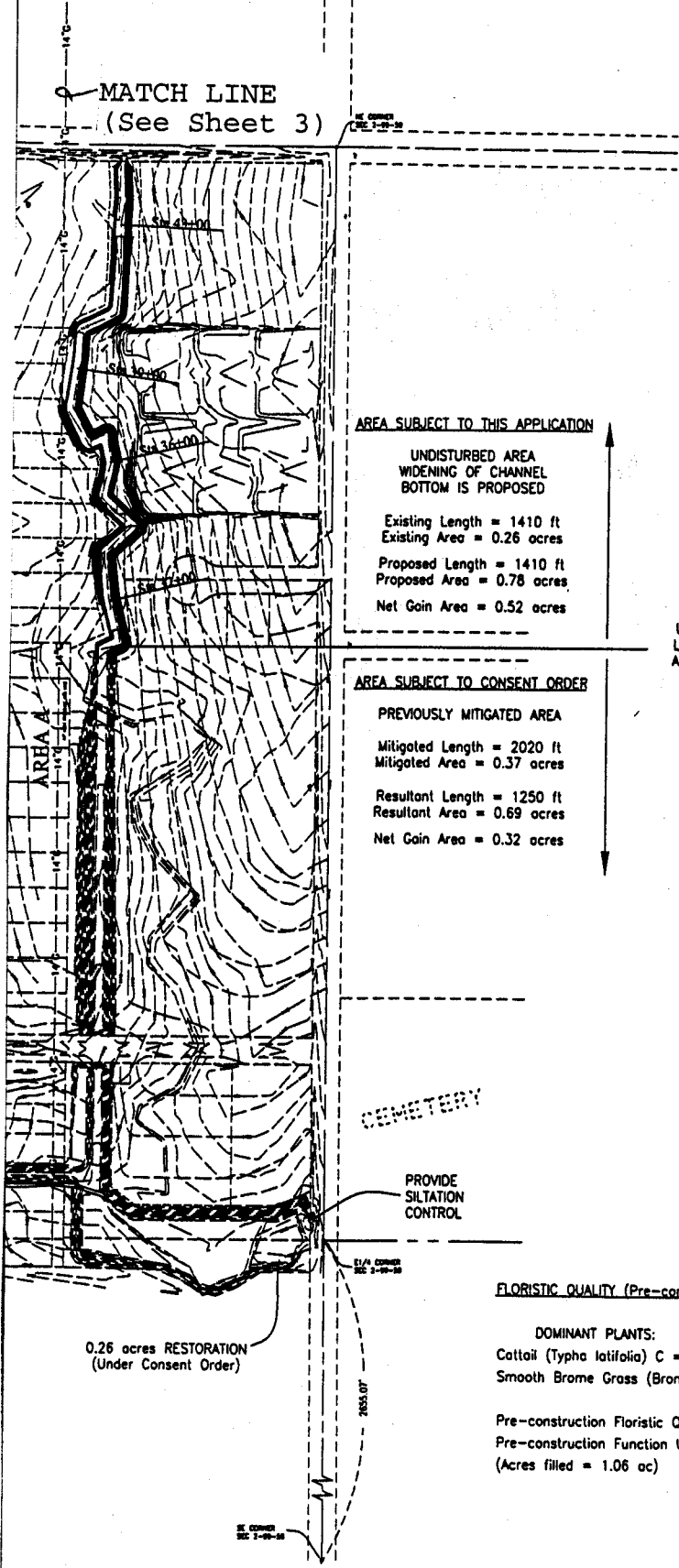
DESIGNED BY GLA
DRAWN BY TJK
PROJECT NO. 4070
CAD: Wetland Mitigation COE

SCALE
0 200'

**GRE
HARF**

PURPOSE: subdivision
APPLICATION BY:
Costello Investments, LLC
No. 200430202

IN unnamed tributary/wetland
AT Sec. 2/T99N/R50W
COUNTY Lincoln
DATE 7/19/04
SHEET 3 of 5



DRAWINGS NARRATIVE

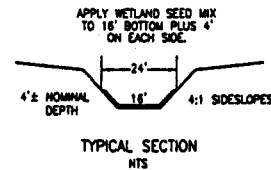
This narrative is intended to supplement the 404 Permit Application for the Green Meadows Addition in Harrisburg, South Dakota, by Costello Investments L.L.C.

Area A

The northern portion of Area A that is subject to this application consists of an approximately 8 foot wide waterway with a narrow bottom classified as an intermittently flowing water in a streambed, R4SB. Costello Investments L.L.C. proposes to widen the bottom (without changing the historic flowline) in order to engineer a waterway/channel in which the spread of the major design storm, or 100-year storm, can be reasonably predicted. Existing FEMA Floodway maps indicate the 100-year flood plain spreading as wide as 300 feet within this portion of Area A. The proposed channel is designed to contain the major storm in a width of approximately 50 to 100 feet.

In order to maintain flood control, the channel bottom shall be widened to a width of 16 feet. Side slopes with a slope of 1 foot vertical to 4 foot horizontal are proposed. See Typical Section. Portions of the existing waterway and area adjacent to the existing waterway will be excavated with a backhoe. See Sheet 4. The backhoe will be located to the side and will excavate material from the waterway outward to the proposed side slopes. Excavated material will be directly deposited into a truck and salvaged for future use. Salvaged soil and vegetative material adjacent to the channel bottom that is removed shall be retained to be distributed over the final graded channel outside of the existing waterway to provide soils that will be more conducive to creating a wetland environment. Any disturbed area near the existing waterway, the proposed channel bottom, and 4 additional feet on each side shall be seeded with a wetland grass mix. Upland grasses shall be planted on the remaining side slopes to provide bank stabilization, with straw boles used as an immediate erosion control means.

The contributory watershed to Area A is approximately 4 square miles or 2,560 acres. With the regional average precipitation of 24 inches annually, the proposed channel would receive ample moisture on average to establish a wetland environment.



FLORISTIC QUALITY (Pre-construction)

DOMINANT PLANTS:
 Cattail (*Typha latifolia*) C = 2
 Smooth Brome Grass (*Bromus inermis* subsp. *inermis*) C = 0
 Pre-construction Floristic Quality Index = 1.41
 Pre-construction Function Units = 1.41 x 1.06 ac = 1.5
 (Acres filled = 1.06 ac)

FLORISTIC QUALITY (Created)

DOMINANT PLANTS:
 Prairie Cordgrass (*Spartina pectinata*) C = 5
 Whitegrass (*Leersia virginica*) C = 5
 Redtop (*Agrostis stolonifera*) C = 0
 Created Floristic Quality Index = 5.77
 Created Function Units = 5.77 x 1.07 ac = 6.2
 (Acres created = 0.55 + 0.52 = 1.07 ac)

**GREEN MEADOWS ADDITION
 HARRISBURG, SOUTH DAKOTA**

WETLAND SUMMARY

SHEET:

DATE: 6/25/04

PURPOSE: subdivision
APPLICATION BY:
 Costello Investments, LLC
 No. 200430202

IN unnamed tributary/wetland
AT Sec. 2/T99N/R50W
COUNTY Lincoln
DATE 7/19/04
SHEET 4 of 5

dymitry, Kalba & Associates
 300 N. Main, Suite A • Sioux Falls, SD 57104
 Tel: (605) 333-4241 • Fax: (605) 333-0714

REVISIONS	NO.	DATE	BY	DATE	DESCRIPTION

**GREEN MEADOWS ADDITION
 HARRISBURG, SOUTH DAKOTA**

TYPICAL SECTIONS

SHEET: 1
 DATE: 7/25/04

PURPOSE: subdivision
APPLICATION BY:
 Costello Investments, LLC
 No. 200430202

**IN unnamed tributary/wetland
 AT Sec. 2/T99N/R50W
 COUNTY Lincoln
 DATE 7/19/04
 SHEET 5 of 5**

